

# Sumter City-County Zoning Board of Appeals

October 13, 2010

## BOA-10-28, 121 W Calhoun St (City)

### I. THE REQUEST

**Applicant:** Scott Bell on behalf of Gen. & Mrs. Michael Moseley

**Status of the Applicant:** Agent for Property owners

**Request:** The applicants are requesting a variance from the number of accessory buildings allowed in a residential district

**Location:** 121 W Calhoun St

**Present Use/Zoning:** Residential / R-6

**Tax Map Reference:** 228-05-04-022

### II. BACKGROUND

The owners, Gen. & Mrs. Michael Moseley, propose to construct a carriage house/garage in the side yard of the property that presently contains a residence and two accessory structures. The house is in the Hampton Park Historic District and recently was reviewed and received approval for improvements to the property by the City of Sumter Historic Preservation Design Review Committee, including the design for this proposed building.

The parcel is at the corner of Church and Calhoun Sts. in a residential area, and is bordered on the north by vacant parcels. The property to the east contains a residence that is



vacant. There are bufferyards on both the north and east sides of the property that contains mature trees.



*The applicant is standing in the vicinity of the proposed garage. The large tree to the right in the photo is to remain.*

*The entrance driveway will access the garage from Calhoun St. in the area shown in the photograph of the wall, which is to be reconstructed according to approved plans that were reviewed by the HP Design Review Committee.*



As a part of the BOA application, the applicant submitted a schematic site construction drawing and elevations showing the proposed size and location of the garage in proximity to the lot lines, fencing, existing accessory buildings and the house, which is

included in the packet.

Historic houses traditionally had a number of outbuildings, called dependencies. The name illustrates that their use was necessary to the overall function of a smoothly-running household. The present carriage house on the site is in need of repair, and is not in a location that would be accessible from the road today and is blocked from Calhoun Street behind an interior wall. The owners do plan to renovate this older structure in the future to incorporate it into the garden area around the pool. The second accessory is a maid's quarters that is also planned to be renovated into a pool house.

As stated in the application, "It would be historically detrimental to remove existing historic structures from the neighborhood fabric in order to construct a needed building by the owner." A garage is an incidental and supporting use that is allowed as a use by right in all residential zoning districts. However, the historic accessory buildings

contribute to the historic neighborhood district, and should not be affected by the conversion of the property into modern use.



The proposed garage will be constructed in a customary location in the side yard and will conform to the other district requirements for garages. It will be of a size, design, and materials that are compatible with the existing structures on the property.

### **III. FOUR PART TEST**

- 1) ***There are extraordinary and exceptional conditions pertaining to the particular piece of property.***
  - The property is adequately large enough to accommodate additional structures and conform to setbacks, but there are physical constraints to the property in the form of existing historical accessory buildings. These buildings should be allowed to remain and the proposed garage is a customary permitted use. To sacrifice either the historic structures or the proposed garage would not be reasonable or prudent.
- 2) ***These conditions do not generally apply to other property in the vicinity.***
  - These conditions do not apply to other property in the vicinity as there are no neighboring properties with historical dependencies; what may have been located on other properties historically have been lost to time. Other neighboring properties do have contemporary accessory structures including garages.
- 3) ***Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***
  - The conditions imposed on this property would effectively prohibit or restrict the use of the property because a garage is a normal and customary accessory use in residential districts, and multiple dependencies are to be protected in historic settings where they currently exist.



***4) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

- The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. It will allow a use customary to the district, and allow historic buildings to remain and be renovated, extending their useful life. The proposed garage will be of a size and scale that will be compatible with the large historic house, and will be constructed of site-similar materials that will echo the historic architecture of the other buildings. The site has been reviewed by and received approval from the City of Sumter Historic Preservation Design Review Committee for the construction of the proposed garage and other improvements.

#### **IV. STAFF RECOMMENDATION**

Staff recommends approval based on the fact that the proposal meets the requirements of the Four-Part Test.

#### **V. DRAFT MOTIONS FOR BOA-10-28**

- A. I move that the Zoning Board of Appeals approve BOA-10-28, subject to the findings of fact and conclusions contained in the draft order, dated October 13, 2010 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-10-28, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-28.

#### **VI. ZONING BOARD OF APPEALS – OCTOBER 13, 2010**

The Sumter City-County Board of Appeals at its meeting on Wednesday, October 13, 2010, voted to approve this request subject to the findings of fact and conclusions on exhibit 1.

**Exhibit 1**  
**Order on Variance Application**  
**Board of Zoning Appeals**

**BOA-10-28, Scott Bell for Gen. and Mrs. Moseley**  
**121 Calhoun Street (City)**  
**October 13, 2010**

---

Date Filed: October 13, 2010

Permit Case No. BOA-10-28

The Board of Zoning Appeals held a public hearing on Wednesday, October 13, 2010 to consider the appeal of Scott Bell for Gen. and Mrs. Moseley of 121 W Calhoun St for a variance from the strict application of the Zoning Ordinance as set forth on Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

The property is adequately large enough to accommodate additional structures and conform to setbacks, but there are physical constraints to the property in the form of existing historical accessory buildings. These buildings should be allowed to remain and the proposed garage is a customary permitted use. To sacrifice either the historic structures or the proposed garage would not be reasonable or prudent.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

These conditions do not apply to other property in the vicinity as there are no neighboring properties with historical dependencies; what may have been located on other properties historically have been lost to time. Other neighboring properties do have contemporary accessories including garages.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

The conditions imposed on this property would effectively prohibit or restrict the use of the property because a garage is a normal and customary accessory use in residential

districts, and multiple dependencies are to be protected in historic settings where they currently exist.

The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. It will allow a use customary to the district, and allow historic buildings to remain and be renovated, extending their useful life. The proposed garage will be of a size and scale that will be compatible with the large historic house, and will be constructed of site-similar materials that will echo the historic architecture of the other buildings. The site has been reviewed by and received approval from the City of Sumter Historic Preservation Design Review Committee for the construction of the proposed garage and other improvements.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** –  
☒ **GRANTED.**

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**